UNITED STATES PATENT AND TRADEMARK OFFICE

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *16 April 2004*.
2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-4* is/are pending in the application.
  4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) *1-4* is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☒ The drawing(s) filed on *16 April 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.
  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  a)☐ All   b)☐ Some *   c)☐ None of:
    1.☐ Certified copies of the priority documents have been received.
    2.☐ Certified copies of the priority documents have been received in Application No. _____.
    3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
  * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
   Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

1.   Claims 1 -2 are objected to because of the following informalities:

For claim 1: in (a), replace (a) "next step" with "step b" to render claim 1(a)

definite; in (b), replace "next step" with "step (c)" to render claim 1(b) definite; and, in (e), add

"call" after the phrase "dialing-out telephone".

For claim 2:   in (1), replace "next step" with "step (2)" to render the claim 2 (1)

definite; in (3), replace "next step" with "step (4)", replace "preset radio station" with "preset

radio channel", and add "a" after "receives" to render claim 2 (3) definite; in (4) , add

"stations" after radio in claim 2 (4) to render the claim 2 (4) definite; in (5), replace "preset

radio stations" with "preset radio channels" to render claim 2 (5) definite; and, replace "form"

in claim 2 (6) with "from".

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed
in the United States before the invention by the applicant for patent or (2) a patent granted on an application for
patent by another filed in the United States before the invention by the applicant for patent, except that an
international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this
subsection of an application filed in the United States only if the international application designated the United
States and was published under Article 21(2) of such treaty in the English language.

2.   Claim 1 is rejected under 35 U.S.C. 102(e) as being anticipated by Sato et al. (US

2006/0067491).

Sato et al. teaches a method for listening to an on-line radio station through a webphone,

comprising the following steps:

(a) a CPU (**Fig. 1** 16) continuing detecting a webphone system whether there is an

incoming phone call or a dialing out phone call (**Fig. 6** S13 and **[0077]**; **Fig. 7** S43 and **[0085]**) ;

if yes, allowing said system to close a broadcasting mode of an on-line radio station (**Fig. 7**

S71 , S73 and **[0094]**) and to activate a general dialing/receiving mode of a webphone (**Fig. 7**

S75 and **[0094]**), and entering next step; if no, entering Step (c) (**Fig. 6** S13, S19, S21 and

[0077][0079]) ;

(b) said CPU allowing a line connection to be established among said system and two

telephone communication parties (**Fig. 7** S75, S67 and **[0092][0094]**) ;and, detecting whether the

line connection between the two parties is terminated (**Fig. 13** S169, S171, S173 and **[0118]**) if

no, continues detecting (**Fig. 13** S171, S197, B and **[0122]**) ; if yes, enter next step (**Fig. 13** S187

and **[0119] [0120] [0121]**);

(c) said CPU allowing said system to activate said broadcasting mode of said on-line

radio station (**Fig. 13** S187, S189 and **[0120]**);

(d) said CPU allowing said system to execute said broadcasting mode of said on-line

radio station (**Fig. 6** S19, S23, S25, S27 and **[0079] [0080]**) and,

(e) said CPU continuing detecting the webphone system whether there is a message for

an incoming phone call or a dialing-out telephone; if yes causing said system to close said on-

line radio station broadcasting mode and to activate said general webphone dialing/receiving

mode of said webphone, and then retuning to Step (b); if no, returning to Step (d)(**Fig. 6**

Return).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

3.   Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sato et al. (US

2006/0067491) in view of Schuster et al. (US 6,914,897), and further in view of McDowall et al.

(US 2002/0073171).

Sato et al. discloses the claimed invention above and further discloses the following:

(3)(5) storing a received and selected broadcast radio channel ([**0094**]) and returning to a

step of receiving a radio channel if broadcast data is not received in the radio packet signal from

the selected radio station (**Fig. 6** S19 and [**0079**]).

(4) displaying information indicative of a current receiving circumstance such of the

radio channel such as name of a radio channel on a liquid crystal display (LCD) ([**0054**]); and,

(6) broadcasting through speakers the real time speech sounds transmitted form {sic} said

radio station (**Fig. 6** S27 and [**0080**]).

Yet, Sato et al. fails to teach the following:

(1) said CPU allows said webphone system to connect said website providing radio station message through Internet, said CPU confirms whether said system stores preset radio channels;

(2) said CPU causes a LCD to display a list provided by said website;

(3) the selected radio station is a preset radio station;

(4) the images or information displayed on the LCD are not-yet-set-radio stations;

(5) said CPU causes said system to connect in sequence with preset radio stations, if said connection is successful, enter next step; if said connection is failed, causes said system to stop said connection and return to Step (2).

However, Schuster et al. discloses a method and system of accessing radio programming from radio stations programming on a data network to a data network telephone (**Abstract**), comprising the following:

(1)(3) a CPU (processor- **Fig. 3** 240 or **Fig. 4** 540) allows a webphone system(voice communication device- **Fig. 1** 108a and PID- **Fig.** 110a) to connect to a website that accesses radio programs via the Internet (column 21 lines 65 – column 22 line 14) for the purpose of providing Internet radio broadcast data to the webphone system. Also, the CPU of the PID voice communication device confirms that preset radio stations are stored in the system by displaying the presets as graphical buttons (column 22 lines 32 - 36) for the purpose of providing access to selected Internet broadcast radio stations for the user;

(2)(4) the graphical display of the PID or the voice communication device (column 22 lines 54 -58) of the webphone system displays list of available radio programs for the (column

22 lines 36 – 39) for the purpose of allowing a user to select a radio station to receive Internet radio broadcasts on the webphone system;

(5) the CPU of the PID or data network telephone causes said system to connect with preset radio stations (column 22 lines 40 - 53) for the purpose of providing Internet radio broadcast data to the webphone system.

Moreover, McDowall et al. discloses a method of linear tuning band for station selection in which the order the stations are visted is fixed for the purpose of reducing connection time by providing the system with the ability to pre-fetch audio from the next station in the list ([**0058**]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the invention as disclosed in Sato et al. with the invention as disclosed in Schuster et al. in the following manner: (1) the CPU of the webphone system as disclosed in Sato et al. connects to the Internet radio broadcasting station's website through the local area network (LAN) (Sato et al: [**0084**]) and stores preset radio channels in the registry (Sato et al.: **Fig. 1** 16) for the purpose of providing Internet radio broadcast data to the webphone system; (2) the LCD of the webphone system as disclosed in Sato et al. displays a radio station list provided by the website for the purpose of allowing a user to select a radio station to receive Internet radio broadcasts on the webphone system; (3)(4) the CPU of the webphone system as disclosed in Sato et al. with receives or does not receive a message from a preset radio station, if it does not receive a message, then the CPU displays images of the not-yet-set radio stations for the purpose of notifying the user of the system that a preset radio station is unavailable; (5) if connection to preset radio stations are unsuccessful, then the system returns to displaying a list of radio stations for the purpose of providing alternative radio station selection choices to a user;

4.   Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sato et al. (US

2006/0067491) in view of Schuster et al. (US 6,914,897).

Sato et al. in view of Schuster et al. discloses the claimed invention above, and also

teaches that the CPU causes the speakers to emit pre-stored warning sounds([**0074**]).

However, it was well known to one of ordinary skill in the art at the time of applicant's

invention the speech is a type of sound data for the purpose of communicating aural information.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of

applicant's invention that speech sounds could have been stored in the CPU memory for the

purpose of warning a user of an event.

5.   Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sato et al. (US

2006/0067491) in view of Schuster et al. (US 6,914,897), and further in view of McDowall et al.

(US 2002/0073171), and further in view of Christodoulou et al. (US 2004/0225708).

Sato et al. in view of Schuster et al., and further in view of McDowall et al. discloses the

claimed invention above and further discloses a clear display function for clearing the LCD

display (**Fig. 13** S191), but fails to teach detecting whether there is a message for closing said

broadcasting mode of said on-line radio station; if yes, causes said LCD to close a picture

showing the message for said not-yet-set radio stations and closes a picture showing the

message for said not-yet-set radio station; if no, causes said LCD to continue displaying said

picture until the end of a preset time and then closes said picture and broadcasting mode of said

on-line radio station.

However, McDowall et al. discloses an internet radio receiver that monitors a connection

between a user's internet radio and the audio content provider ([**0066**]) for the purpose of

determining whether the connection is successful. If the internet radio system detects a failure in

the connection, the system triggers an event such as audio static, a distinct sound, and a distinct

visual indication for the purpose of informing the user of the failed connection.

(**[0066][0067][0068]**). Also, the internet radio ceases outputting the audio from the audio content

provider server for the purpose of informing the user that a connection between the user's

internet radio and the audio content provider has failed.

Moreover, Christodoulou et al. discloses a method of aborting a connection of a link if

the link fails to connect within a preset period of time (**[0041]**) for the purpose of providing

sequential attempts to connect to different secondary servers as identified by the link (**[0041]**).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of

applicant's invention to modify the invention that is disclosed in Sato et al. in view of Schuster et

al. with the inventions as disclosed in McDowall et al. and Christodoulou et al. as follows:

allow the webphone system as disclosed in Sato et al. to detect a failed connection, trigger an

event such as causing the LCD to close the picture showing the message for the not-yet-set radio

station, and close the broadcasting mode of said on-line radio station for the purpose of

informing the user that a connection to an audio content provider has failed; and, allow the LCD

to continue displaying the picture of the not-yet-set radio station until a preset time, then close

the picture, and close said broadcasting mode of said on-line radio station for the purpose of

informing the user that a connection to an audio content provider has failed.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SONIA GAY whose telephone number is (571)270-1951. The examiner can normally be reached on Monday to Thursday from 7:30 AM to 5:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Len Tran can be reached on (571) 272-1184. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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